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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 BOBBY JOE GATLIN,

9 Petitioner,

10 v.

11 SUPERINTENDENT HOLBROOK,

12 Respondent.

NO: CV-11-3124-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DIRECTING PETITION BE FILED AS
MOTION TO AMEND IN CV-10-
3046-CI

13 Magistrate Judge Hutton filed a Report and Recommendation on January 9,
14 2012, recommending Mr. Gatlin's habeas corpus petition be construed as a Motion
15 to Amend the Petition in cause number CV-10-3046-CI, and filed as such. *See*
16 *Woods v. Carey*, 525 F.3d 886, 890 (9th Cir. 2008). There being no objections, the
17 court **ADOPTS** the Report and Recommendation.

18 **IT IS ORDERED** the District Court Executive shall **FILE** the Petition,
19 *nunc pro tunc*, as a Motion to Amend Petition in CV-10-3046-CI. The District
20 Court Executive shall **FILE** this Order in both cause numbers CV-11-3124-JPH
ORDER ADOPTING REPORT AND RECOMMENDATION AND DIRECTING
PETITION BE FILED AS MOTION TO AMEND IN CV-10-3046-CI -- 1

1 and CV-10-3046-CI, forward copies to Petitioner and to counsel for Respondent in
2 cause number CV-10-3046-CI, and administratively close cause number CV-11-
3 3124-JPH. Petitioner is responsible for noting his Motion for hearing in cause
4 number CV-10-3046-CI as required by LR 7.1(h), Local Rules for the Eastern
5 District of Washington.

6 **DATED** this 27th of January 2012.

7
8 s/ Rosanna Malouf Peterson
9 ROSANNA MALOUF PETERSON
10 Chief United States District Court Judge
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ORDER ADOPTING REPORT AND RECOMMENDATION AND DIRECTING
PETITION BE FILED AS MOTION TO AMEND IN CV-10-3046-CI -- 2